

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
NOVEMBER 6, 2013

Session 13-16, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on November 6, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HIGHLAND, SLONE, SONNEBORN, VENUTI

ABSENT: BOS, STEAD, STROOZAS

STAFF: PLANNING TECHNICIAN ENGBRETSSEN  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

The agenda was approved by consensus of the Commission.

### **Public Comment**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Adrienne Sweeney, inn keeper at the Driftwood Inn, commented regarding ordinance 13-42. She expressed her concern that the change to 24 months is not enough time when a use is discontinued because of death. Sometimes probate takes longer than 24 months, especially when land is involved. She thinks 36 months is a fair compromise and recommends amending back to 36 months. This amendment is wrapped into the Bayview Inn issue, but the change effects more than just one property. She said she appreciated the City Manager's comments about traffic calming. She is hopeful it will work in Old Town, is excited about the process, and thinks it is a great example for other neighborhoods

Charles Davis, city resident, commented that he has a different outlook on non-conforming. Last time we went through this was with Guy Rosi, before him it was someone else, then it was someone before them. As a city we have kicked the can down the road to where we have a conditional use permit. He questions why the city has to have so much control that we have to designate every building. What difference does it make if there is another motel up there, particularly when maybe it's the original one? Why do we have to have some draconian zoning law here at the end of the road. The Commission is having a hard time keeping a quorum and doesn't need to keep going through this. Mr. Davis suggested lightening up on controlling business and letting people be where they are. Don't make it so complicated because he thinks it's ruining the town. He recently heard at council that it's good that all the businesses are here. The only reason they are here is because of the local people living here.

Corbin Arno, city resident, commented that Bayview Inn is a landmark. He encouraged them to make the place legal; it has been here longer than many of us. He agrees with changing it back to 36 months because you just never know what's going to happen in life.

### **Reconsideration**

### **Consent Agenda**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of Minutes of October 16, 2013 meeting
- B. Decisions and Findings for CUP 13-09 Request to build a cabin in addition to an existing home at 3651 Sterling Hwy
- C. Decisions and Findings for CUP 13-10 Request to build a single family home in addition to an Existing cabin at 4914 Kachemak Drive
- D. Decision and Findings for CUP 13-11 Request for a reduction of the setback from a dedicated right-of-way at 203 W. Pioneer Avenue

Chair Venuti called for a motion to adopt the consent agenda.

HIGHLAND/SLOANE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Presentations**

#### **Reports**

- A. Staff Report PL 13-84, City Planner's Report

Acting City Planner Engebretsen reviewed the staff report.

There was brief discussion about the Commission's interest in starting to work on safe streets and traffic calming. Mrs. Engebretsen noted that it will be a process that will likely include input from other advisory bodies as well as staff. Staff will look at scheduling a joint meeting with other groups for the worksession at the second meeting in January as an initial start for the process.

They also touched on scheduling Brianna Allen from Old Town to present at a meeting after the first of the year.

### **Public Hearings**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

## **Plat Consideration**

None

## **Pending Business**

None

## **New Business**

### A. Staff Report PL 13-86 Review of Bylaws

Acting City Planner Engebretsen briefly reviewed the staff report and noted discussion during the worksession about the Commissioner absences as outlined in the bylaws, and also changing the voting requirements to a simple majority regarding CUP's and variances. She noted that staff doesn't have a recommendation at this time regarding the simple majority issue.

Commissioner Highland expressed interest in Commissioners being allowed to participate telephonically. She understands that it couldn't be done for the quasi-judicial actions of the meeting, but for the other parts it would be helpful when people are ill or travelling.

Acting City Planner Engebretsen noted that because of the actions the Commission addresses, it would significantly limit what the person on the phone could speak to. She also explained her experience has been that some people do well at participating telephonically but many don't.

SONNEBORN/HIGHLAND MOVED TO AMEND BYLAWS TO ENABLE A SIMPLE MAJORITY TO APPROVE A CONDITIONAL USE PERMIT OR VARIANCE.

Commissioner Slone noted that during the worksession they discussed and agreed that because staff clearly does a more than adequate job of reviewing criteria for CUP and variances to verify compliance with the ordinances. Generally very little discussion necessary by the Commissioners and four would be adequate from his perspective.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/SLONE MOVED TO ALLOW TELEPHONIC PARTICIPATION EXCEPT FOR PARTICIPATION ON ANY QUASI JUDICIAL MATTERS.

Commissioner Sonneborn commented she isn't sure they need that complication in their meetings. By addressing the voting, they won't have the problem of not enough Commissioners in the future. She thinks it is really important to be here in person. There are times when it is challenging to follow things when you're here in person, and being home with distractions she wouldn't trust that the group is getting full attention. It's only a couple times a month and people just need to plan to be here. If people are ill, their minds aren't up to it, so they should be home taking care of themselves. It is okay to miss a meeting sometimes.

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Chair Venuti agreed with Ms. Sonneborn, but said it would be nice to call in and listen. Deputy City Clerk Jacobsen noted that if a Commissioner is absent and would like to hear the discussion, they can request a copy of the recording from the City Clerk's office.

Commissioner Highland reiterated that it is another possibility for Commissioners to participate if they have already missed some meetings.

VOTE: YES: HIGHLAND, SLONE  
NO: SONNEBORN, VENUTI

Motion failed.

SLONE/HIGHLAND MOVED TO AMEND CITY CODE 1.76.040 C ANY COMMISSIONER WHO SHALL HAVE ~~TWO~~ **THREE** SUCCESSIVE UNEXCUSED ABSENCES SHALL BE SUBJECT TO REMOVAL BY THE COMMISSION BY A MAJORITY VOTE OF THE MEMBERS PRESENT; BYLAWS SECTION 0.5, THREE CONSECUTIVE **UNEXCUSED** OR SIX REGULAR MEETINGS IN A CALENDAR YEAR; AND REFINE THE WORD UNEXCUSED TO DEFINE THAT UNEXCUSED REQUIRES APPROVAL BY THE CHAIR.

Commissioner Slone explained that it gives a little more flexibility for extenuating circumstances they might miss more than three meetings, but requires them to be accountable for their time if the situation arises.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Slone also noted a section of the policy manual that needs clarification under item U. It states "The policy and procedure manual will be endorsed by resolution of the City Council and may be amended at any meeting of the Commission by a majority plus one of the members,". He suggested changing it to "The amended policy and procedure manual must subsequently be endorsed by a resolution of the City Council." Acting City Planner Engebretsen recognized it as a grammatical change that staff can take care of.

- B. Staff Report PL 13-87 Draft Ordinance 13-42 Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Extend Time Required to Discontinue a Nonconforming Uses from 12 to 24 Months

Chair Venuti advised the Commission that he has a conflict of interest on this matter because he is involved with the Bayview Inn property.

There was discussion that with only 3 Commissioners in attendance to address the conflict it was recommended that this matter be postponed to the next meeting.

SLONE/SONNEBORN MOVED TO POSTPONE TO THE NEXT MEETING.

There was brief discussion.

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VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. Staff Report 13-88 Discussion of Comprehensive Plan in the Baycrest Area

Acting City Planner Engebretsen reviewed the staff report.

The Commission discussed the rezoning process. There is a community plan in place that says the Baycrest area is residential. There are some options in the process like a community update, but there is still a public process that would need to take place to make any changes. The community has to agree.

Question was raised about allowing hotels and motels in the rural residential zoning district. Acting City Planner Engebretsen explained that it is an option, but it will be inclusive of all rural residential districts which make up about 50% of the city.

Chair Venuti suggested they could consider the mixed use district for that particular area, but probably not past the south end of Rogers Loop.

Discussion ensued about the history of the zoning for the Baycrest area and the businesses that are located there. Commissioner Highland expressed her feeling of urgency in resolving the issue and getting through the process. Acting City Planner Engebretsen advised it is a lengthy process and it is very important that there isn't an appearance of rushing the process because of one particular property.

Acting City Planner Engebretsen said staff will work on preparing some recommendations to consider and also a timeline for the process that the Commission can consider at their December or January meeting.

Further discussion continued regarding the need and ways to inform the public of what is going on.

D. Memo from City Clerk Re: 2014 Meeting Schedule

The Commission reviewed the meeting schedule and discussed the first meeting in January. They agreed that if there are no active applications that need to be addressed at the January 2<sup>nd</sup> meeting, then staff may cancel the meeting.

HIGHLAND/SLONE MOVED TO APPROVE THE 2014 MEETING SCHEDULE FOR THE PLANNING COMMISSION SHOWN IN THE DRAFT RESOLUTION PROVIDED BY THE CITY CLERK.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **Informational Materials**

### A. Homer Arts & Culture Alliance Letter

Commissioner Slone suggested this group may be one that the Commission could hear from at a future presentation. Acting City Planner Engebretsen said staff can find out some more information about the group.

## **Comments of the Audience**

Members of the audience may address the Commission on any subject. (3 minute time limit)

Corbin Arno, city resident, commended commented the Commission on their work in dealing with the zoning issue. He believes a majority of the property up there is commercial and he thinks the property owners would love to have mixed use zoning for their businesses. He wished them luck with the process.

## **Comments of Staff**

Acting City Planner Engebretsen said it was a great meeting and there are lots of things coming up to work on.

## **Comments of the Commission**

Commissioner Highland said it was a good and thoughtful meeting to brainstorm ideas for our wonderful city.

Commissioner Slone said he hopes they aren't overwhelming staff with their suggestions for the immediate future.

Commissioner Sonneborn had no comments.

Chair Venuti raised his concern about the erosion of the bluff of the highway just north of Anchor Point. The erosion is as bad as he has seen it and fixing it from the bottom isn't working. He doesn't think the city realizes how serious this is and we will be in trouble if the road goes out. He commended Acting City Planner Engebretsen on the job she is doing.

Acting City Planner Engebretsen noted that citizen outcry goes a long way and suggested contacting Jocelyn Biloan, DOT Area Planner, and our legislators. The city has supported this through the Capital Improvement Plan.

## **Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 7:53 p.m. The next regular meeting is scheduled for December 4, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_